

04-103 STUMBO, ET AL. V. ANDERSON, ET AL.

QUESTIONS PRESENTED

I. Whether the Sixth Circuit erred in (a) striking down the 500 foot radius as too large, in conflict with the Fifth Circuit, or (b) holding that "electioneering" must be limited to "express advocacy," a test this Court had described one month earlier as "functionally meaningless," see *McConnell v. FEC*, 124 S. Ct. 619 (2003).

II. Whether the Sixth Circuit erred in holding such "trigger" provisions unconstitutional, in conflict with the First and Eighth Circuits, and an earlier panel of the Sixth Circuit.

III. Whether the Sixth Circuit erred in holding, in conflict with the Supreme Courts of Alaska and Florida, that Kentucky cannot prevent gubernatorial candidates from lending unlimited sums to their own campaigns and then, after being elected Governor, recouping the loans by soliciting contributions from persons seeking no-bid contracts from the Commonwealth.

IV. Whether Kentucky can prevent vote fraud and the circumvention of its disclosure requirements by requiring that contributions to candidates be made in traceable form, such as by check, rather than in cash.